

## APPENDIX A

### LEGAL AUTHORITIES

#### Powers Available that Do Not Require a Formal Declaration of National Emergency

<u>US Code</u>	<u>Description</u>	<u>When Applicable</u>
10 U.S.C. 673b	Order to active duty of 100,000 Selected Reservists for 90 days	Determination of operational need <b>by</b> President
10 U.S.C. 688	Order to active duty of Retired Regulars, Reservists with 20 years active service, Fleet Reservists and Fleet Marine Corps Reservists	In the interest of national defense
10 U.S.C. 712(a) (1),(2)	Detail of members of armed forces to assist, in military matters, other designated countries in the western hemisphere.	President considers in the public interest
10 U.S.C. 2602 (a)	Acceptance of American Red Cross cooperation and assistance	President finds it necessary
10 U.S.C. 2604 (a)	Provide facilities and services to United Seaman's Service in foreign areas	President finds it in the interest of U.S. commitments overseas
14 U.S.C. 3	Coast Guard to operate as a service of the Navy	Presidential directive
50 App U.S.C. 468	Place mandatory orders for prompt delivery of material or articles for use by armed forces	Presidential determination in the interest of national security
50 App U.S.C. 2071(a),(b)	Contracts of orders for the allocation of materials and facilities needed for national defense to be given priority over other contracts or orders	Presidential discretionary authority
50 App U.S.C. 2091-2094, 2166 (a),(b)	Expansion of productive capacity and supply	Presidential determination in interest of national defense

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<sup>1</sup> Source: DoD Master Mobilization Plan  
This list of authorities is not all-inclusive.

Additional Powers Available Under a Presidential Declaration of National  
Emergency

<u>U.S. Code</u>	<u>Description</u>
10 U.S.C. 526	Suspend authorized strength limitations on commissioned officers on active duty in event of declared national emergency or war
10 U.S.C. 673	Order up to one million members of the Ready Reserve to active duty for not more than 24 months
10 U.S.C. 673c	Suspend promotion, retirement or separation of any member of armed forces deemed essential to national security by the President
10 U.S.C. 679(d)	Extension of Reserve active duty agreement without consent of reservist
10 U.S.C. 712(a)(3)	Detail of members of the armed forces to assist, in military matters, any country deemed advisable in the interest of national defense
10 U.S.C. 2304(c) (2),(7)	Use of other than competitive procedures limiting sources in solicitation of bids and proposals
10 U.S.C. 7224	Gives Sec Navy authority to designate persons to be carried on naval vessels at government expense
10 U.S.C. 644	Suspend promotion, retirement or separation of commissioned officers
14 U.S.C. 331	Order to active duty of retired Regular Coast Guard Officers in time of war or national emergency
14 U.S.C. 359	Order to active duty of retired Coast Guard enlisted members
14 U.S.C. 367(3)	Extension of Coast Guard enlistments until six months after end of national emergency
42 USC 217	Use of Public Health Service Commissioned corps as a branch of the land or naval forces
46 U.S.C. 835	Restrictions on the transfer of shipping facilities
46 U.S.C. 1242(a)	Authority to requisition or purchase, or to charter or requisition the use thereof, ships owned by US citizens
50 U.S.C. 196-198	Authority to purchase, seize, acquire, requisition or charter non-US owned vessels lying idle in US waters

50 U.S.C. 1431-1435	Exemption of national defense contracts from certain statutory limitations
50 U.S.C. 1511-1516	Suspension of restrictions on chemical and biological agents
50 App USC 1774(a)	Use of ships in the national defense reserve fleet

Powers Gained **by** Congressional Declaration of Emergency and not Available  
by Presidential Declaration

<u>US Code</u>	<u>Description</u>
10 U.S.C. 511(a)	Extension of terms of enlistment in reserve components until six months after end of war or national emergency
10 U.S.C. 511(C)	Extension of term of service for an enlisted member transferred to a reserve component until six months after end of war or national emergency
10 U.S.C. 519	Temporary enlistments in an armed force after the declaration will be for the duration of the emergency plus six months
20 U.S.C. 672(a)	Authority to order any member or unit of a reserve component to active duty for the duration plus 6 months
10 U.S.C. 674	Authority to order members and units of the Standby Reserve to active duty
U.S.C. 675	Authority to order a qualified member of the Retired Reserve to active duty
32 U.S.C. 302(c)	Extension of National Guard enlistments for the duration plus 6 months